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DNR-FS-2026-02

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Gill Nets
COMAR 08.02.15
Released June 18, 2026

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Department retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decisions regarding a particular small business will be based on the statute and any relevant rules and regulations.

In any civil or administrative action against a small business for a violation of rules, the content of the Small Business Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties, or damages. Interested parties are free to file comments regarding consider whether the recommendations or interpretations in the Guide are appropriate in that situation this Guide and the appropriateness of its application to a particular situation. The Department will then. The Department may decide to revise this Guide without public notice to reflect changes in the Department's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services:

410-260-8300
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay
Fax: 410-260-8310

I. SUMMARY

What is being considered and why is the Department considering it?

The Department would like to allow the harvest of bycatch within the striped bass commercial drift gill net fishery from December through February by commercially licensed and permitted striped bass harvesters. Currently, in the Chesapeake Bay and its tidal tributaries, only striped bass may be harvested from large mesh (5-7 inches) gill nets. This means that other species of fish that are caught (bycatch) in these nets are not legally allowed to be harvested and must be returned to the water (e.g., blue catfish). The Department is asking for feedback on two aspects of this concept.

1. How much allocation should a commercially licensed and permitted striped bass harvester need to be able to harvest bycatch species?

The Department would like to get feedback on the minimum amount of allocation a striped bass harvester needs to have on their permit to be allowed to harvest other species with large mesh gill nets during the striped bass gill net season. The options the Department is considering are: 0 pounds (no allocation required - just a striped bass permit), 100 pounds, or 250 pounds. The Department is also open to receiving comments on why the minimum required allocation should be a different amount.

2. Which species should be allowed to be harvested as bycatch during the striped bass gill net season?

It has been reported that when engaged in the striped bass drift gill net fishery, commercially licensed and permitted striped bass gillnetters often catch blue catfish in their gill nets. The Department is considering allowing harvesters to retain this bycatch, consistent with the Department's management objectives regarding blue catfish. In considering this change, the Department recognized that occasional bycatch of other non-target species, such as gizzard shad, occurs in this fishery. In order to maximize the value of harvested fish and minimize the possibility of dead discards, regardless of fish species, the Department is considering allowing commercially licensed and permitted striped bass harvesters to have the ability to retain otherwise-legal fish caught in a large mesh striped bass gill net.

The Department understands that the most common bycatch species encountered are blue catfish and gizzard shad, but the Department is asking for feedback on whether only certain named species (such as blue catfish and gizzard shad) should be allowed, or if any otherwise-legal species should be allowed to be harvested with large mesh gill nets during the striped bass gill net season. Any species being harvested would still be subject to all other applicable rules. There would be no changes to any seasons, size limits, or catch limits. If a fish species was caught in a large mesh gill net during a closed season, was an illegal size, or was above a catch limit, it would still have to be returned to the water.

Who will this affect?

This change would impact:

1. Commercially licensed and permitted striped bass harvesters who participate in the Chesapeake Bay gill net season (December through February).
2. Seafood dealers.

Has this change discussed with advisory bodies or other interested or impacted individuals?

This change has been discussed with two Tidal Fisheries Advisory Commission subgroups:

1. [Invasive Catfish Advisory Committee](#) - This was discussed at their meeting on [April 15, 2026](#).
2. [Striped Bass Industry Advisory Workgroup](#) - This was discussed at their meeting on [May 7, 2026](#).

II. ADDITIONAL INFORMATION

“Allocation” means pounds or numbers of striped bass which a striped bass permittee is provided on an annual basis.

Chesapeake Bay General Gill Net Rules can be found in the Code of Maryland Regulations: [COMAR 08.02.05.02B](#)

Chesapeake Bay Striped Bass Drift Gill Net Rules can be found in the Code of Maryland Regulations: [COMAR 08.02.15.07C](#)

III. REGULATORY PROCESS

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal [procedures](#) as concepts move forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy.

At the conclusion of the scoping process, if the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly’s Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30-day public comment period begins on the day of publication.
- After reviewing the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

IV. IMPLEMENTATION DATE

The Department projects that the changes presented in this guide could be effective in the fall of 2026. However, the exact date cannot be determined at this time.